



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1530**
Norio KIMURA et al. : Docket No. 2001_0163A
Serial No. 09/784,171 : Group Art Unit 3723
Filed February 16, 2001 : Examiner Robert A. Rose

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OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

An Office Action dated September 30, 2003 received in the above-identified application indicates that the present application has been abandoned due to the Applicants failure to timely file a proper reply to the final Office Action letter mailed on February 28, 2003. However, a Patent Office Fee Transmittal Form, Request for Continued Examination, Preliminary Amendment, Petition for a Two Month Extension of Time, Additional Claims Fee Transmittal Letter, check for \$1,328.00 and Information Disclosure Statement with form PTO-1449 and three references were all submitted to the PTO on July 28, 2003.

As evidence that these items were submitted on July 28, 2003, copies of all of these items dated July 28, 2003 are included with this Petition. Also, a date-stamped postcard receipt indicating that all of these items were filed in the PTO is enclosed. It is noted that the postcard receipt indicates that only a Petition for a One Month Extension of Time was included. However, it is apparent that this is a typographical error on the postcard receipt based on the fact that the actual copy of the Petition clearly indicates that a two month extension of time was requested. Further, the Patent Office Fee Transmittal Form explicitly authorizes the PTO to charge and deficiency to Deposit Account No. 23-0975. In addition, a copy of the cancelled check for \$1,328.00 is also submitted which specifically lists that the two month petition fee of \$410.00 was included in the \$1,328.00

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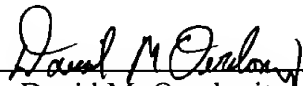
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Adjustment date: 11/03/2003 RHARIS1 00000028 230975 09784171
03 FC:1201 130.00 CR
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02 FC:1252 130.00 CR
Adjustment date: 11/03/2003 RHARIS1 00000028 230975 09784171
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Based on the above remarks and attached papers, withdrawal of the holding of abandonment under 37 CFR 1.181(a) and consideration of the Preliminary Amendment filed July 28, 2003 is respectfully requested.

Respectfully submitted,

Norio KIMURA et al.

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